

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
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Organization

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Agenda item 4a **CX/NFSDU 19/41/4**

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES
Forty-first Session
Düsseldorf, Germany, 24 - 29 November 2019**

**REVIEW OF THE STANDARD FOR FOLLOW-UP FORMULA:
DRAFT SCOPE, DESCRIPTION AND LABELLING FOR FOLLOW-UP FORMULA FOR OLDER INFANTS
Replies to comments at Step 6 to CL 2019/77-NFSDU**

Comments of Argentina, Australia, Brazil, Burkina Faso, Cambodia, Canada, Costa Rica, European Union, Ghana, Indonesia, Iran, Iraq, Kuwait, Mali, New Zealand, Nepal, Norway, Peru, Senegal, Somalia, Sri Lanka, Switzerland, United States of America, Vietnam, HKI, ISDI, UNICEF,

Background

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL 2019/69-FH issued in August 2019. Under the OCS, comments are compiled in the following order: general comments are listed first, followed by comments on specific sections.

Explanatory notes on the appendix

2. The comments submitted through the OCS are hereby attached as **Annex I** and are presented in table format.

ANNEX I

GENERAL COMMENT	MEMBER/OBSERVER
<p>Peru considers that the provisions relating to sections 9.2.2, 9.3, 9.4.1 and 9.4.2 contained in CL 2019/77/OCS-NFSDU, as described in the table above, are ready for adoption during step 6 and therefore agrees to their approval.</p> <p>With regard to the last paragraph of section 9.6.4, Peru is considering removing the text: "Cross-promotion between product categories is not permitted on the [label/labelling] of the product."</p>	Peru
<p>The EU in general agrees with the proposed labelling provisions for follow-up formula for older infants, which reflect what was agreed in CCFSU39 and CCNFSDU40. The EU considers that the proposed text adequately addresses one of the main concerns, which is to make sure that the labelling of follow-up formula for older infants does not discourage breastfeeding. This principle is also reflected in a number of provisions of EU legislation applicable to follow-on formula as well as in the Infant Formula Standard. Furthermore, the EU agrees with the amendments made by CCFL45 to the provisions as they ensure consistency with other relevant Codex Standards and Guidelines.</p> <p>In light of these considerations, the EU welcomes the outcome of the discussions in CCFL45 as well as in CAC42 and in particular the endorsement of sections 9.1 to 9.6.3 with amendments to points 9.2.2, 9.3 and 9.4.1 (i) and (ii), the endorsement of the first sentence of section 9.6.4. and the agreement to return the last sentence on cross-promotion to CCNFSDU for further consideration.</p>	EU
<p>Canada agrees with the majority of the text for the proposed draft scope, description and labelling sections for follow-up formula for older infants.</p>	Canada
<p>Ghana supports the amendment, however, the term "ready for use" appears two times in the document and "ready to use" appears once. Ghana is of the view that the correct term should be "ready-to-use", and it should be used consistently.</p>	Ghana
<p>Regarding to the endorsement of labelling provision in draft Codex Standard for FUF (Older Infant) Vietnam would like to provide comments as following: Vietnam is not in favour of provision "Cross promotion" to include in Section 9.6.4, So Vietnam proposes to remove this provision from Section 9.6.4. Rationale:</p> <ul style="list-style-type: none"> • The definition of "Cross promotion" is not defined clearly in Codex Standards and Codex Procedural Manual; It refers advertisement/marketing rather than technical issues in Codex Standards; • The provision mentioned above may beyond of mandate of the Codex Committee of CCNFSDU; • It differs significantly from the established provisions for food labelling in Codex Standards. There is no justification – neither scientific or market-based – for the substantial deviation from labeling section in Codex Standards. References to additional labelling provisions and marketing prohibitions go beyond the provisions of the Codex Procedural Manual. <p>Vietnam suggests that Codex may have the definition that clarify more about the "cross promotion" and includes this definition into Codex manual or Codex Standard for prepackaged food labelling.</p>	Vietnam
<p>Australia in general supports the adoption of the draft text including the amendments proposed by CCFL to 9.2.2, 9.3 and 9.4.1(i) and (ii) and 9.4.2. We note section 9.6.4 was endorsed except for the last sentence on cross promotion which has been returned to CCNFSDU for further consideration.</p> <p>Australia has specific comments in relation to section 9.6.4 including cross promotion.</p> <p>Specific comments Section 9.6.4</p>	Australia

<p>Australia notes the concept of ‘cross promotion’ is very broad and likely to have different interpretations and understanding. It is also not defined in Codex texts. Given the potential for differing views and interpretations, being able to agree on a definition will likely prove problematic. Therefore we do not support the inclusion of the term ‘cross promotion’, or ‘promote/promotion’ in the draft Standard.</p> <p>Our view is that the concept of cross promotion needs to be clarified and the intent being sought be made clear in the draft text. The current ‘cross promotion’ sentence is not clear in this regard. We understand from the comments made by WHO at CCNFSDU40 that the intent of the sentence was to avoid messages on labels that a product for a particular age group was also suitable for another age group or that reference was made to a similar product for another age group (REP19/NFSDU paragraph 50). Australia supports the intention to not permit on the label of follow up formula for older infants references to other products intended for younger or older age groups (such as infant formula and (name of product) for young children), as well as formula for special medical purposes intended for infants.</p> <p>Further to this, Australia believes the current wording of section 9.6.4 could be made clearer. The current wording may apply labelling conditions to products other than follow up formula for older infants (i.e. infant formula, (name of product) for young children, and formula for special medical purposes) by referring to ‘Products’ at the start of section 9.6.4. This goes beyond the scope of the standard for follow-up formula for older infants (as set out in Section 1 of the draft Standard).</p> <p>Australia therefore supports amending the wording of section 9.6.4 and insertion of a new section 9.6.5 to:</p> <ul style="list-style-type: none"> • ensure the proposed labelling is within scope by only applying to follow-up formula for older infants • make the text in section 9.6.4 clearer in its intention to reduce the risk of consumer confusion between products • remove the term ‘cross promotion’ and replace with text that more clearly captures the intent • limit the ability to use the label of follow-up formula for older infants to make reference to infant formula, (name of product) for young children, and formula for special medical purposes products. 	
<p>New Zealand strongly supports the adoption of the proposed draft scope, description and labelling for follow-up formula for older infants for revised Standard for Follow-up Formula at Step 6 with amendments recommended by CCFL45 to 9.3, 9.4.1 and 9.4.2.</p>	<p>New Zealand</p>
<p>Costa Rica agrees to the changes made by the Codex Committee on Food Labelling (CCFL), at its 45th meeting, where sections 9.1 to 9.6.3 were ratified with amendments to 9.2.2, 9.3 and 9.4.1 (i) and (ii) and 9.4.2.</p>	<p>Costa Rica</p>
<p>Note: CCFL45 endorsed the labelling sections 9.1 to 9.6.3 with amendments to 9.2.2, 9.3 and 9.4.1 (i) and (ii) and 9.4.2. With regard to 9.6.4, the Committee endorsed the first sentence and agreed to return the last sentence on cross-promotion for further consideration by CCNFSDU (REP19/FL, para. 28</p> <p>ISDI concurred with CCFL45’s endorsement of sections 9.1 to 9.6.3 (with amendments to 9.2.2, 9.3 and 9.4.1 (i) and (ii) and 9.4.2) on labelling and CCFL45’s decision to return of the last sentence on paragraph 9.6.4 on cross promotion for further consideration at step 3. ISDI supports CCFL45 delegations that favoured the deletion of the sentence.</p> <p>ISDI does still also have reservations on the following aspects and recommends changes at step 6 to eliminate inconsistencies and conflicts within this section of the Standard and thus improve clarity.</p>	<p>International Special Dietary Food Industries</p>
<p>Norway agrees with the provisions of the proposed draft scope, description and labelling for follow-up formula for older infants (REP 19/NFSDU, Appendix III), as endorsed and amended by CCFL45.</p>	<p>Norway</p>
<p>agree with review standard and we have no comments</p>	<p>Iraq</p>

<p>SPECIFIC COMMENTS</p>	<p>MEMBER / OBSERVER AND RATIONALE</p>
<p>2.1 Product Definition</p>	

2.1.1	
Follow-up formula for older infants means a product, manufactured for use as a breastmilk- substitute , as a liquid form or reconstituted from powdered product and is part of a diet for older infants when progressively diversified complementary feeding is introduced.	Somalia
Follow-up formula for older infants means a product product in liquid or powdered form , manufactured for use as a breastmilk- substitute , as a liquid part of a diet for older breastfed or formula fed infants when progressively diversified complementary feeding is introduced.	Kuwait
2.1.2	
Follow-up formula for older infants is so processed by physical means only and so packaged as to prevent spoilage and contamination under all normal conditions of handling, storage and distribution in at the country where end of the product is sold sale point .	Somalia
2.2 Other Definitions	
2.2.1	
The term infant means a person from the age of not more than 2 to 12 months of age.	Somalia
2.2.2	
The term older infant means a person from the age of 6 months and not more than to 12 months of age months .	Somalia
9. LABELLING	
	USA The United States could support Labelling (Section 9) if the amendments from CCFL are incorporated to Sections: 9.2.2, 9.3, 9.4.1 (i) and (ii), 9.4.2, and 9.6.1 as described in REP19/FL and provided as individual comments below, with changes inserted in pertinent text of the proposed Standard. The United States requests clarification on how the statement under “9. Labelling” regarding “prohibition on the use of nutrition and health claims” in the proposed Standard for FUF-OI impacts declaration of optional ingredients on the label
The requirements of the <i>General Standard for the Labelling of Prepackaged Foods</i> (CXS 1-1985), <i>The Guidelines on Nutritional Labelling</i> (CXG 2-1985) and the <i>Guidelines for Use of Nutrition and Health Claims</i> (CXG 23-1997) apply to follow-up for older infants. These requirements include a prohibition on the use of nutrition and Health claims for foods for infants except where specifically provided for in relevant Codex Standards or national legislation	
<u>The requirements of the <i>General Standard for the Labelling of Prepackaged Foods</i> (CXS 1-1985), the <i>Guidelines on Nutrition Labelling</i> (CXG 2-1985) and the <i>Guidelines for Use of Nutrition and Health Claims</i> (CXG 23-1997) apply to follow-up formula for older infants. These requirements include a prohibition on the use of nutrition and health claims for foods for infants [as well as claims regarding other products and product categories] except where specifically provided for in relevant Codex Standards or national legislation.</u>	The United States agrees that it is important to protect and support breastfeeding and considers that the labelling of FUF-OI should be clear and confusion should be avoided between FUF-OI and other products. The United States considers that the purpose of the label is to provide the consumer with clear statements of the product’s identity and appropriate use. Specifically, the United States notes that the purpose of the <i>Guidelines on Nutrition Labelling</i> (CXG 2-1985) includes “to ensure that nutrition labelling is effective...in providing the consumer with information about a food so that a wise choice of food can be made” and “to ensure that nutrition labelling does not describe a product or present information about it which is

	<p>in any way false, misleading, deceptive or insignificant in any manner.”</p> <p>The Codex definition for “claim” provided in the General Standard for Labelling of Pre-Packaged Food (CXS 1-1981) is “any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality.” The United States notes, that to further strengthen prohibitions on nutrition and health claims, we suggest that the Committee consider additional text [in bold below] to Section 9. Even though such claims would be prohibited by the proposed FUF-OI Standard being defined as a breastmilk substitute, by adding “as well as claims regarding other products and product categories.” This would further emphasize that the type of label statements that might cause consumer confusion among product categories are not permitted.</p>
<p>9.1.3</p>	
<p>The sources of protein in the product shall be clearly shown on the label</p> <p>a) If [name of animal] milk is the only source of protein [*], the product may be labelled ‘Follow-up Formula for Older Infants Based on [name of animal] milk [protein]</p> <p>b) If [name of plant] is the only source of protein[*], the product may be labelled ‘Follow-up Formula for Older Infants Based on [name of plant] [protein]</p> <p>c) If [name of animal] milk and [name of plant] are the sources of protein[*], the product may be labelled ‘Follow-up Formula for Older Infants based on [name of animal] milk protein and [name of plant] protein’or ‘Follow-up Formula for Older Infants Based on [name of plant] protein and [name of animal] milk protein’</p>	
	<p>Cambodia Cambodia supports the deletion of square brackets around the * adjacent to protein in the sentence a), b) and c)</p>
<p>a) If [name of animal] milk is the only source of protein [*], the product may be labelled ‘Follow-up Formula for Older Infants Based on [name of animal] milk [protein]</p>	
	<p>Senegal Senegal supports the deletion of the brackets around * just after the word "protein."</p>
	<p>Nepal Nepal supports the deletion of square brackets around the * adjacent to protein in this text.</p>
<p>If [name-name of animal]-animal milk is the only source of protein[*]protein*, the product may be labelled ‘Follow-up Formula for Older Infants Based on [name-name of animal]-animal milk {protein}protein.</p>	<p>Indonesia Indonesia proposes to open the square bracket</p>
<p>If [name of animal] milk is the only source of protein[*]protein*, the product may be labelled ‘Follow-up Formula for Older Infants Based on [name of animal] milk [protein].</p>	<p>HKI Helen Keller International supports the deletion of the square brackets around the * adjacent to protein in this text.</p>

b) If [name of plant] is the only source of protein[*], the product may be labelled 'Follow-up Formula for Older Infants Based on [name of plant] [protein]	
	UNICEF UNICEF agrees on the deletion of the square brackets around the asterisk after the word "protein".
	Nepal Nepal supports the deletion of square brackets around the * adjacent to protein in this text.
If [name-name of plant]-plant is the only source of protein[*]protein* , the product may be labelled 'Follow-up Formula for Older Infants Based on [name-name of plant]-[protein]plant protein .	Indonesia Indonesia proposes to open the square bracket
If [name of plant] is the only source of protein[*]protein* , the product may be labelled 'Follow-up Formula for Older Infants Based on [name of plant] [protein].	HKI Helen Keller International supports the deletion of the square brackets around the * adjacent to protein in this text.
c) If [name of animal] milk and [name of plant] are the sources of protein[*], the product may be labelled 'Follow-up Formula for Older Infants based on [name of animal] milk protein and [name of plant] protein' or 'Follow-up Formula for Older Infants Based on [name of plant] protein and [name of animal] milk protein'	
	Sri Lanka Sri Lanka recommends deletion of square brackets after the word Protein
	Nepal Nepal supports the deletion of square brackets around the * adjacent to protein in this text.
If [name-name of animal]-animal milk and [name-name of plant]-plant are the sources of protein[*]protein* , the product may be labelled 'Follow-up Formula for Older Infants Based on [name-name of animal]-animal milk protein and [name-name of plant]-plant protein' or 'Follow-up Formula for Older Infants Based on [name-name of plant]-plant protein and [name-name of animal]-animal milk protein'.	Indonesia Indonesia proposes to open the square bracket
If [name of animal] milk and [name of plant] are the sources of protein[*]protein* , the product may be labelled 'Follow-up Formula for Older Infants Based on [name of animal] milk protein and [name of plant] protein' or 'Follow-up Formula for Older Infants Based on [name of plant] protein and [name of animal] milk protein'.	HKI Helen Keller International supports the deletion of the square brackets around the * adjacent to protein in this text.
• For clarity, addition of individual amino acids where needed to improve protein quality does not preclude use of the above labelling options	
	Mali Mali supports the deletion of the brackets around * next to the word "protein" in the text.
	Burkina Faso Burkina Faso agrees and proposes the deletion of [*] before the word "protein" in the text.
* For clarity, addition of individual amino acids where needed to improve protein-nutritional quality does not preclude use of the above labelling options.	Somalia

9.1.4 A product which contains neither milk nor any milk derivative shall be labelled “contains no milk or milk products” or an equivalent phrase	
	<p>Argentina Argentina considers that the term "shall", rather than "may", would be more appropriate. However, Argentina believes that the product should be described by what it contains and not by what it does not contain. For products that are not formulated with dairy ingredients, this characteristic will be reflected both in the sales description and in the list of ingredients, as provided in the preceding points.</p>
9.2 List of ingredients	
	<p>New Zealand With regards to Section 9.2, it is the position of New Zealand that it be replaced with a reference to the relevant sections of the General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985) as there is currently a conflict with the proposed draft text which New Zealand believes to be unintentional. The CCFL proposed amendment to 9.2.2 does not fully address this conflict. A reference to the General Standard for the Labelling of Prepackaged Foods (GSLPF) would ensure consistency, and is in line with the CCFL recommendation to replace Section 9.4 on date marking with a reference to the GSLPF also. At CCFL45 it was noted that the second sentence of section 9.2.2 should be revised by deletion of 'these ingredients and' as the functional classes were applicable to food additives and not ingredients as required by section 4.2.3.3 of GSLPF. New Zealand also notes that the indication of the functional class of additive (as currently presented in 9.2.2) is optional, whereas it is mandatory within the GSLPF, this proposed text would thus see an exception to the GSLPF. Therefore, it is our preference that Section 9.2 be replaced with a reference to the appropriate section of the GSLPF, to ensure consistency and provide clarity.</p>
9.2.2	
	<p>Mali Mali supports the deletion of the strikethrough text.</p>
	<p>Senegal Senegal supports the deletion of "ingredients and".</p>
	<p>Burkina Faso Burkina Faso thinks this is necessary and supports the deletion of the words "ingredients and" altogether.</p>
<p>9.2.2 The specific name shall be declared for ingredients of animal or plant origin and for food additives. In addition, appropriate functional classes for these ingredients and additives may shall be included on the label. The food additives INS number may also be optionally declared.</p>	<p>Argentina It should be noted that, unlike additives, ingredients do not have standardized functional classes. In addition, Argentina believes that each additive must include its functional class.</p>

<p>9.2.2 The specific name shall be declared for ingredients of animal or plant origin and for food additives. In addition, appropriate functional classes for these food ingredients and additives may be included on the label. The food additives INS number may also be optionally declared.</p>	<p>Canada Canada agrees with the removal of the words “ingredient and”, but recommends that “food” be placed prior to the word “additives”.</p>
<p>9.2.2 The specific name shall be declared for ingredients of animal name or plant name origin and for food additives. In addition, appropriate functional classes for these ingredients and additives may be included on the label. The food additives INS number may also be optionally declared.</p>	<p>Somalia</p>
<p>9.2.2 The specific name shall be declared for ingredients of animal or plant origin and for food additives. In addition, appropriate functional classes for these ingredients and additives may be included on the label. The food additives INS number may also be optionally declared.</p>	<p>Sri Lanka Sri Lanka agrees to deleting the words which is striked through</p>
<p>9.2.2 The specific name shall be declared for ingredients of animal or plant origin and for food additives. In addition, appropriate functional classes for these ingredients and additives may be included on the label. The food additives INS number may also be optionally declared.</p>	<p>USA The amendment from CCFL states, “The second sentence of Section 9.2.2 should be revised by deletion of “these ingredients and” as functional classes were applicable food additives and not ingredients and as required by Section 4.2.3.3 of GSLPF.” This clarification is demonstrated in the following edit:</p>
<p>9.2.2 The specific name shall be declared for ingredients of animal or plant origin and for food additives. In addition, appropriate functional classes for these ingredients and additives may be included on the label. The food additives INS number may also be optionally declared.</p>	<p>Brazil Brazil agrees with the amendments proposed by CCFL to section 9.2.2.</p>
<p>9.2.2 The specific name shall be declared for ingredients of animal or plant origin and for food additives. In addition, appropriate functional classes for these ingredients and additives may be included on the label. The food additives INS number may also be optionally declared.</p>	<p>Cambodia Cambodia supports the deletion of text marked with strikethrough.</p>
<p>9.2.2 The specific name shall be declared for ingredients of animal or plant origin and for food additives. In addition, appropriate functional classes for these ingredients and additives may be included on the label. The food additives INS number may also be optionally declared.</p>	<p>Nepal Nepal supports the deletion.</p>
<p>9.2.2 The specific name shall be declared for ingredients of animal or plant origin and for food additives. In addition, appropriate functional classes for these ingredients and additives may be included on the label. The food additives INS number may also be optionally declared.</p>	<p>HKI Helen Keller International supports the deletion of the text marked with strikethrough.</p>
<p>9.3 Nutritive Value</p>	
<p>9.3 Declaration of Nutritive Value</p> <p><u>The declaration of nutrition information [for follow-up formula for older infants] shall contain the following information which should be in the following order:</u></p> <p><u>a) the amount of energy, expressed in kilocalories (kcal) and/or kilojoules (kJ), and the number of grams of protein, carbohydrate and fat per 100 g or per 100 ml of the food as sold [as well as] [or] per 100 ml of the food ready for use, when prepared according to the instructions on the label.</u></p> <p><u>b) the total quantity of each vitamin, and mineral as listed in paragraph 3.1.3 of Section A and any other ingredient as listed in paragraph 3.2 of Section A per 100 g or per 100 ml of the food</u></p>	<p>USA The amendment from CCFL states, “The units in Section 9.3 should be in the abbreviated form (e.g., ml) as more appropriate for labelling purposes and in line with the Guidelines on Nutrition Labelling (CXG 2-1985).” This clarification is demonstrated in the following edits:</p>

<p>as sold as well as per 100 ml of the food ready for use, when prepared according to the instructions on the label.</p> <p>c) In addition, the declaration of nutrients in a) and b) per 100 (kcal) (or per 100 kJ) is permitted.</p>	
	<p>Burkina Faso Burkina Faso follows suit and agrees with the proposed amendments to the text (9.3 a), b), c)).</p>
	<p>Brazil Brazil agrees with the amendments proposed by CCFL to section 9.3.</p>
	<p>Cambodia Cambodia supports these proposed changes.</p>
	<p>HKI Helen Keller International supports the proposed changes in 9.3</p>
9.3 a)	
	<p>Senegal Senegal supports the proposed changes.</p>
	<p>Sri Lanka Sri Lanka agrees to removing strike through words</p>
	<p>UNICEF UNICEF agrees with the proposed changes.</p>
	<p>Nepal Nepal supports the deletion.</p>
	<p>Indonesia Indonesia proposes the following changes</p>
9.3b)	
	<p>UNICEF UNICEF agrees with the proposed changes.</p>
	<p>Nepal Nepal supports the deletion.</p>
<p>The total quantity of each vitamin, and mineral as listed in paragraph 3.1.3 of Section A and any other ingredient as listed in paragraph 3.2 of Section A per 100 grams g or per 100 millilitres ml and per 100 kcal of the food as sold as well as per 100 millilitres ml of the food ready for use, when prepared according to the instructions on the label.</p>	<p>Indonesia Indonesia proposes the following changes</p>
9.3c)	
	<p>Mali Mali supports the proposed changes.</p>
	<p>UNICEF UNICEF agrees with the proposed changes.</p>
	<p>Nepal Nepal supports the addition.</p>

In addition, the declaration of nutrients in a) and b) per 100 kilocalories (kcal) (or per 100 kilojoules kJ) is permitted.	Indonesia If the changes proposed in 9.3 a) and 9.3 b) are accepted then sub section 9.3 c) may be deleted.
In addition, the declaration of nutrients in a) and b) per 100 kilocalories (kcal) (or per 100 kilojoules (kJ)) is permitted.	HKI
9.4 Date Marking and Storage Instructions	
	Canada Canada agrees with striking out the text in 9.4.1, referring to 4.7.1 of the General Standard for the Labelling of Prepackaged Foods and keeping the sentence "Where practicable, storage instructions shall be in close proximity to the date marking" which is currently under 9.4.2.
	Cambodia Cambodia supports the deletion of the text and the replacement text in bold.
	Senegal Senegal supports the deletion of the text and also the reference in bold.
	Sri Lanka Sri lanka agrees to striking through 9.4.1 and inclusion of the new text
	UNICEF UNICEF agrees with the deletion of paras 9.4.1 (i) and (ii), to be replaced with the text indicated in bold and underlined.
	Brazil Brazil agrees with the amendments proposed by CCFL to section 9.4.1 (i) and (ii)
	Nepal Nepal supports the removal of the text and addition of the other statement.
	Indonesia Indonesia supports the proposed text in section 9.4.1
	Mali Mali supports the deletion of the text and the insertion of the phrase in BOLD.
	Burkina Faso Burkina Faso agrees with the deletion of the strikethrough text and approves the insertion of the reference in bold to the General Standard for the Labelling of Prepackaged Foods.
	Malaysia Malaysia agrees the date marking and storage instructions shall be in accordance with section 4.7.1 of the General Standard for the Labelling of Prepackaged Foods (Codex Stan 1-1985).

	<p>International Special Dietary Food Industries ISDI takes note of the changes made by CCFL45 to this section. ISDI would like to highlight the Codex Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants (CODEX-STAN 72-1981) stipulates the date of minimum durability that is expressed by “Best Before” with clear indications on how to declare it.</p>
	<p>HKI Helen Keller International supports the deletion of the text above and replacement with the suggested text in bold.</p>
9.4.2	
	<p>Senegal Senegal supports the deletion of the strikethrough text.</p>
	<p>UNICEF UNICEF agrees with the deletion of the text marked with strikethrough but disagrees with the proposed text. The products falling under this standard are breastmilk substitutes for the purposes of the International Code of Marketing of breast-milk Substitutes, according to Article 9.4 of which “The label of food products within the scope of this Code should also state all the following points: (a) the ingredients used; (b) the composition/analysis of the product; (c) the storage conditions required; and (d) the batch number and the date before which the product is to be consumed, taking into account the climatic and storage conditions of the country concerned”.</p>
	<p>Brazil Brazil agrees with the amendments proposed by CCFL to section 9.4.2.</p>
	<p>Cambodia Cambodia supports the deletion of the text marked with strikethrough.</p>
	<p>Nepal Nepal support the deletion.</p>
	<p>Indonesia Indonesia supports the deletion of first sentence in section 9.4.2.</p>
	<p>HKI We support the deletion of the text marked with strikethrough.</p>
	<p>Mali Mali supports the deletion of the strikethrough text.</p>
	<p>Burkina Faso Burkina Faso accepts and supports the proposed text deletion.</p>
9.5 Information for use	

	<p>UNICEF</p> <p>UNICEF agrees with the text as is. We believe that this is the text that was agreed to at 2018 CCNFSDU meeting.</p> <p>UNICEF recognises that cross-promotion through the invention of new products that are branded in a similar way to existing products (brand extension) has been a marketing ploy of the baby food industry since the International Code of Marketing of Breastmilk Substitutes was adopted in 1981. Various studies have concluded that this leads to confusion among consumers as to which products are actually being promoted, with the Australian National University pointing to “exploitation by marketers of confused distinctions by consumers between infant, follow-on and toddler milks, and this indicates an important area of focus for policy and regulation”.</p> <p>The problem of cross promotion has been recognised and addressed in related public health fields, as seen in the WHO set of recommendations on the marketing of foods and non-alcoholic beverages to children, which defines the marketing strategy as: “A consumer sales promotion technique in which the manufacturer attempts to sell the consumer new or other products related to a product the consumer already uses or which the marketer has available.”</p> <p>WHO has pointed out that “This can include packaging, branding and labelling of a product to closely resemble that of another (brand extension).”</p> <p>Given the best interests of the child, and the need to protect caregivers from this marketing tactic (which WHA has called on Governments to prohibit), the text should remain as is, and in terms of the text in square brackets [label/labelling], UNICEF prefers the use of the word “labelling” as defined in the WHO Recommendations referred to above. HKI supports the term labelling. Based on the research regarding cross promotion, it is clear the term ‘labelling’ should be used in the text, as cross promotion practices extend, and are specifically designed by the manufacturers to extend, beyond the label.</p> <p>UNICEF agrees with the deletion of the square bracket.</p>
<p>9.5.1 Ready-to-eat products in liquid form should be used directly. Concentrated liquid products and powdered products should be prepared with water that is drinkable<u>that is drinkable, safe or suitable for human consumption</u> that was made-has been <u>safe by boiling boiled for at least 5 minutes -</u> prior to supply in accordance with the instructions for use- for its use or preparation. - Adequate directions for the appropriate preparation and handling should be in accordance with Good Hygienic Practice.</p>	<p>Chile</p> <p>Words were deleted and the text was reorganised so that it makes sense without losing technical importance.</p> <p><i>Category : TECHNICAL</i></p>
<p>9.5.1 Ready to use products in liquid form should be used directly. Concentrated liquid products and powdered products, must be prepared <u>at 70c</u> with potable water that is safe or has</p>	<p>Kuwait</p>

been rendered safe by previous boiling before feeding, according to directions for use. Adequate directions for the appropriate preparation and handling should be in accordance with Good Hygienic Practice <u>Practice of WHO/FAO guidelines and CAC/RCP 66-2008.</u>	
9.5.2	
9.5.2 The label must provide suitable - instructions for <u>suitable</u> preparation and appropriate - use of the product, as well as for its conservation <u>the - storage of the unprepared product</u> and its - the disposal - of the product left over after its preparation <u>preparation</u> , in other words - other words, indicating that any excess -product not consumed must be discarded <u>must be discarded</u> .	Chile Words were deleted and the text was drafted so that the message is clear without losing the technical aspect.
9.5.2 Adequate directions for the appropriate preparations and use of the product <u>product in liquid or powdered form</u> , including its storage and disposal after preparation, i.e. that product remaining after feeding should be discarded, shall appear on the label.	Kuwait
9.5.4	
9.5.4 The directions should be accompanied by a warning and -about the health hazards of inappropriate preparation, storage and use.	Somalia
9.5.4 The directions should be accompanied by a warning and -about the health hazards of inappropriate preparation, storage and use.	Indonesia Indonesia proposes to modify the sentence in section 9.5.4
9.5.5	
9.5.5 The label must provide suitable - instructions on <u>suitable</u> conservation of the product after product, before and after opening <u>opening</u> the container-, - including the useful life of the product once opened.	Chile Sentences were deleted and added so that the text makes more sense.
9.5.5 Adequate directions regarding the storage of the product <u>in liquid or powdered form</u> after the container has been opened, shall appear on the label.	Kuwait
9.5.6	
9.5.6 The label of follow-up formula for older infants shall include a statement that the product shall not be introduced before fed a person of less than 6 months of age, is -not to be used as a sole source of nutrition} and that older infants should receive complementary foods in addition to the-this product.	Somalia
9.5.6 The label of follow-up formula for older infants shall include a statement that the product shall not be introduced before 6 months of age, is not to be used as a sole source of nutrition} and that older infants should <u>continue</u> receive <u>breast milk and</u> complementary foods in addition to the product.	Kuwait
9.6.1	
9.6.1 Labels should not discourage the practice of breastfeeding. The label of each container must contain a clear, visible and easily readable message that includes the following elements:	Guatemala Guatemala suggests checking the English-Spanish translation of the document, since the expression "health worker" has been translated as "trabajador sanitario", which could be understood to refer to a different type of worker. The proposed translation is "trabajador de salud".
9.6.1 Labels should not discourage breastfeeding <u>encourage breast milk feeding</u> . Each container label shall have a clear, conspicuous and easily readable message which includes the following points:	Somalia

<p>9.6.1 Labels should not discourage breastfeeding. Each container label shall have a clear, conspicuous and easily readable message which includes the following points:-:</p> <p>a) the words "important notice" or their equivalent; b) the statement "Breast-milk is the best food for your baby" or a similar statement as to the superiority of breastfeeding or breast-milk; c) a statement that the product should only be used on advice of a health worker as to the need for its use and the proper method of use. d) the statement; 'The use of this product should not lead to cessation of continued breastfeeding'.</p>	<p>USA</p> <p>The United States has no comments on subparts a, b, and d. For subpart c, the amendment from CCFL states, "9.6.1 c) to emphasize that health workers should be independent were not agreed to as CCNFSDU had already considered these proposals and the provisions were a result of extensive discussion and compromise in CCNFSDU." No change is requested to the text here, and the United States continues to support that "independent" is not specified in 9.6.1.c. This clarification is demonstrated in maintaining the following text:</p>
<p>9.6.1c)</p> <p>e) a statement that the product should only be used on advice of a health worker. This part is not necessary as to all relevant instructions appear on the need for its use and the proper method of use-label.</p>	<p>Somalia</p>
<p>9.6.1d)</p> <p>d) the statement; 'The use of this product should not lead to cessation of continued breastfeeding'--.</p> <p>e)the statement" Exclusive breast feeding should be from 2-6 months of age and continue to 24 month age.</p>	<p>Iran</p> <p>Iran recommends item e be added to 9.6.1 as follow:</p>
<p>d) the statement; "The use of I suggest this statement to appear on the label d) " This product should is for follow-up formula for older infants and not lead to cessation a substitute of continued breastfeeding". breast milk, keep on breast feeding for your baby"</p>	<p>Somalia</p>
<p>d) the statement; 'The use 'exclusive breastfeeding is recommended from birth to 6 months of this product age, and that breastfeeding should not lead continue to cessation two years of continued breastfeeding'age or beyond'.</p>	<p>International Special Dietary Food Industries</p> <p>ISDI would like clarification on 9.6.1.d) and the compatibility with 2.1 and 2.1.1, where the product is defined as a breast milk substitute so per definition this product is to be used as a substitute to breast milk – in a context of either partial or total cessation of breast feeding. The statement is confusing and is properly covered already by 9.6.1.b).</p> <p>ISDI continues to favour an approach stating that the label of Follow-up Formula for Older Infants should not discourage breastfeeding. Further, mandated statements deserve careful consideration of how consumers will interpret or react to the statement. Proposed new statements should, ideally, be subject to research or pilot studies to determine if the intended meaning or outcome is likely to be achieved.</p> <p>Based on the above comments, ISDI recommends the following replacement wording:</p> <p>d) the statement; "exclusive breastfeeding is recommended from birth to 6 months of age, and that breastfeeding should continue to two years of age or beyond".</p>

9.6.2.2	
9.6.2.2 suggest use for infants under the age of 6 months (including references to milestones and stages);	Argentina Argentina considers that the term "stages" could be deleted from the parenthesis ("milestones and stages"). Many products currently marketed to infants contain these references. We believe that the consumer could identify more clearly the age group for which the product is intended, in accordance with point 9.6.4 of this section.
9.6.2.2 suggest use for infants under the age of 6 months (including references to milestones and stages) months;	International Special Dietary Food Industries ISDI considers that the phrase "(including references to milestones and stages)" in 9.6.2.2 should be deleted as it could lead to consumers' confusion regarding the appropriate age range for different products. ISDI proposes the following text instead: 9.6.2.2 should read "suggest use for infants under the age of 6 months." Section 9.5.6 states that "The label of follow-up formula for older infants shall include a statement that the product shall not be introduced before 6 months of age, is not to be used as a sole source of nutrition and that older infants should receive complementary foods in addition to the product." References to milestones and stages are intended to facilitate consumers' understanding of the intended users of the product. Any stage and milestone information stated should not conflict with the very clear age of introduction (not before 6 months) to avoid any confusion.
9.6.2.2 suggest use for infants under the age of 6 months (including references to milestones and stages);	Indonesia Indonesia proposes to delete section 9.6.2.2
9.6.2.3	
	International Special Dietary Food Industries ISDI would like clarification on the compatibility of this requirement and 9.5.1, 9.5.2 and 9.5.3. ISDI considers that this requirement is in contradiction with the above-mentioned sections and should be deleted or further clarified for concrete implementation.
9.6.2.4	
9.6.2.4 undermine or discourage breastfeeding; or that makes a comparison to breast-milk, or suggests that the product is similar, equivalent to or superior to breast-milk;	International Special Dietary Food Industries ISDI would like CCFSDU to clarify the need for 9.6.2.4 and its consistency with 9.6.1.b (the statement "Breast-milk is the best food for your baby" or a similar statement.
9.6.2.5	
	Mali Mali supports the deletion of the bracket, which is surely an omission because its deletion had already been agreed.

	<p>Burkina Faso Burkina Faso approves the deletion of the bracket.</p>
	<p>Argentina It is thought that this point is stricter than the standard 72 Codex Infant formula. It should also be noted that the CISLM in point 9 on "Labelling" establishes several principles, but does not refer to this one in particular. In any case, it is up to the competent authority to decide.</p>
	<p>Sri Lanka Sri Lanka supports the deletion of the square bracket and believes this had already been agreed to and so it appearing is an error.</p>
	<p>International Special Dietary Food Industries ISDI notes that this section does not exist in the current Follow-up Formula Standard or in the Infant Formula Standard. ISDI considers that such section is a national authority competence, which would explain why it is not considered in other Standards and texts, Further, if Codex supports this as a principal ISDI considers that it would be more appropriately included within General Labelling Standards or Guidelines than in product Standards.</p>
<p>9.6.2.5 convey an endorsement or anything that may be construed as an endorsement by a professional or any other body, unless this has been specifically approved by relevant national or regional regulatory authorities.}]</p>	<p>Nepal Nepal supports the deletion.</p>
	<p>HKI We support the deletion of the square bracket and believe this had already been agreed to and its appearance is an error.</p>
9.6.4	
	<p>Mali Mali supports the text as presented and agreed at the meeting of the CCNFSDU in 2018. The second sentence is not in brackets and should not therefore be regarded as open to discussion. However, at the request of the CCFL, Mali shares its comments: The CCNFSDU accepts that cross-promotion poses a problem and can have a negative impact on the health of older infants. It has therefore agreed to address this matter in paragraph 9.6.4. This decision is backed up by existing studies (. Cross-promotion and its permutations – "brand cross-promotion", "brand extension", "product line expansion" – is a term widely recognised in commerce and a well-established business strategy (see www.parhamsantana.com/images/uploads/whitepapers/ParhamSantana_10_Ways_to_Extend_Your_Brand.pdf). The expression "cross-promotion" has been officially defined in the WHO document entitled "A framework for implementing the set of</p>

recommendations on the marketing of foods and non-alcoholic beverages to children", adopted in resolution WHA63.14. The definition on page 51 of the document is as follows: "Cross-promotions: A consumer sales promotion technique in which the manufacturer attempts to sell the consumer new or other products related to a product the consumer already uses or which the marketer has available." (World Health Organisation. 2012. www.who.int/dietphysicalactivity/MarketingFramework2012.pdf.)

The message arising from studies of cross-promotion and continuous perusal of the literature is clear: cross-promotion can confuse parents and guardians where product choice is concerned. The stated properties of one product are taken to apply to other products, which could result in certain products being used inappropriately. Moreover, cross-promotion is used to promote infant formula. Studies show that advertisements for follow-up formula and growing up milk are generally perceived by mothers as also promoting infant formula. This belief is largely attributable to the marketing practice of "product line expansion" and "brand advertising", whereby infant formula, follow-up formula and growing up milk are perceived by consumers as similar or identical. They are not similar, however.

The Codex Standard for Follow-up Formula stipulates fewer mandatory nutrients for children aged 12-36 months than for infant formula or follow-up formula for infants aged 6-12 months. Therefore, under no circumstances should these products be labelled as similar. Although they all act as substitutes for breast milk, they are not similar in composition and these products must not be confused or used inappropriately by parents and guardians.

The current proposed text should be retained and the definition adopted in WHA63.14 could be inserted as a footnote to paragraph 9.6.4, to which it refers.

As far as the wording in brackets [label/labelling] is concerned, Mali is in favour of the term "labelling". Based on studies of cross-promotion, it is clear that the term "labelling" should be used in the text, because cross-promotion practices are on the increase and are specifically designed by manufacturers to achieve a reach beyond their label.

The evidence shows that such cross-promotion confuses parents and guardians and exposes older infants and young children to the risk of being given an inappropriate product. Cross-promotion practices, wherever they are, must be prohibited, which is only

	<p>possible if the term "labelling" is used.</p> <p>The use of this term is amply covered by the Codex standard, and is defined in the General Standard for the Labelling of Prepackaged Foods.</p>
	<p>Senegal</p> <p>Senegal supports the text as presented and agreed at the meeting of the CCNFSDU in 2018. As already discussed, cross-promotion poses a problem and can have a negative impact on the health of older infants. The current proposed text should be retained and the definition adopted in WHA63.14 could be inserted as a footnote to paragraph 9.6.4, to which it refers.</p>
	<p>Burkina Faso</p> <p>Burkina Faso agrees entirely with the text as presented, and which was already accepted in this form at the CCNFSDU Session of 2018. Furthermore, Burkina Faso strongly agrees that cross-promotion gives rise to serious problems which can negatively affect the health of older infants. Such cross-promotion is, purely and simply, a commercial strategy that compromises consumers' better judgement by misleading them as to the benefits of these foods or products, and is in contradiction with the findings of the WHO and the WHA for this category. The practice of cross-promotion must be banned altogether for products of this nature.</p> <p>Burkina Faso is strongly in favour of inserting a reference to the definition in WHA63.14 as a footnote to paragraph 9.6.4, to which it refers.</p> <p>As regards the choice between [label/labelling], Burkina Faso would prefer to retain the word "labelling" only, which is more suitable for preventing all other kinds of shrewd cross-promotion practices that go beyond the remit of labels.</p>
<p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, [name of product] for young children and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them. Cross-promotion between product categories is not permitted on the [label/labelling] of the product.Proposed text:</p> <p><u>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, [name of product] for young children and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them. Cross-promotion between product categories is not permitted on the [label/labelling] of the product [.] [], in other words, colour schemes, graphic design, names, slogans or other graphic design elements should not be used to identify this product in the same way as</u></p>	<p>Chile</p> <p>Regarding the text in general, we agree on the importance of including the indication to remove "cross-promotion" so that it is clear in the text, as discussed at the last meeting of the CCNFSDU in 2018. However, as currently worded, we believe that it may be operationally complicated to obey a mandate that is described in general terms. We have therefore included text that aims to ensure the operability of the mandate on cross-promotion. The proposed text is based on the examples included in the 2017 WHO document "Guidance on ending the inappropriate promotion of foods for infants and young children. Implementation Manual".</p> <p>Comments are provided between square brackets, as new added</p>

<p><u>for other products aimed at infants or young children, even if they come from the same manufacturer.]</u></p>	<p>text or as strikethrough text when suggested for deletion.</p>
	<p>Guatemala Guatemala indicates, with respect to the wording of paragraph 9.6.4, that the text should be amended, deleting the sentence "Cross-promotion between product categories is not permitted on the [label/labelling] of the product", resulting as follows:</p> <p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, [name of product] for young children and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them.</p> <p>Guatemala indicates that, considering the WHO guidelines in the document "Guidance on ending the inappropriate promotion of foods for infants and young children", in accordance with the proposed recommendations, the paragraph is deemed to be quite clear regarding the use of text, colours and images used to avoid creating confusion, and that these should be clearly differentiated between different product categories.</p>
<p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, [name of product] for young children and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them. Cross-promotion between product categories is not permitted on the [label/labelling] of the product.</p>	<p>Peru Peru is considering removing the text: "Cross-promotion between product categories is not permitted on the [label/labelling] of the product".</p>
<p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, [name of product] for young children and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them. Cross-promotion between product categories being suitable for another group are not permitted; and each food group must specify, on the [label/labelling] of the product the age group for which the product is intended.</p>	<p>Colombia Having analysed the results of the international meetings on Nutrition, Labelling and the Codex Alimentarius Commission, as well as the definitions of cross-promotion by the World Health Assembly, resolution 069 of 2016, Colombia has decided to amend its position and sends the following proposal:</p>
<p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, [name of product] for young children and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them. Cross-promotion between product categories is not permitted on the [label/labelling] of the product.</p>	<p>Costa Rica Regarding this point of the last sentence on cross-promotion, Costa Rica proposes deleting it and suggests the following wording for this sentence, so that it reads as follows (proposed text in italics and underlined): 9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, [name of product] for young children and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction</p>

	<p>between them. Indications that refer to a product for a particular age group also being suitable for another age group will not be permitted. The age group for which the product is intended must be specified.</p> <p>Costa Rica considers that this proposal addresses the remarks by the WHO delegate, collected in REP19/NFSDU, paragraph 50: “The WHO representative clarified that the intent of the provision on cross-promotion was to avoid messages on labels that a product for a particular age group was also suitable for another age group or that reference was made to a similar product for another age group. Having clarified the meaning of cross-promotion, the Committee decided that the wording of the final part of Section 9.6.4 should refer to the label or labelling and that the term “label/labelling” should remain in square brackets.” Underlining added.</p> <p>In addition, it should be noted that the proposal is consistent with the aims of the Codex—“consumer protection and fair trade practices”—without falling into the use of undefined phrases that could lead to misinterpretations to the detriment of harmonisation and legal certainty.</p> <p><i>Category : TECHNICAL</i></p>
<p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, (name of product) for young children, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them. Cross promotion between product categories is not permitted on the [label/labelling] of the product.</p>	<p>European Union</p> <p>With respect to section 9.6.4 the EU strongly supports the first sentence of the section, as the EU considers essential to ensure that different products intended for infants and young children are clearly distinguishable from each other by the consumers. The best way to achieve this is to include in the Standard a provision clearly specifying how that should be ensured. The EU therefore particularly welcomes the inclusion of the specific reference to “text, images and colours used” in the provision, which is also in line with the EU legislation (Article 6(6) of delegated Regulation (EU) 2016/127).</p> <p>However, the EU does not support the second sentence of the section on cross-promotion.</p> <p>The concept of cross-promotion was introduced as a new concept for the labelling provisions during the 40th plenary session of CCNFSDU. Upon request of the Committee the representative of WHO clarified at CCNFSDU40 that “the intent of the provision on cross-promotion was to avoid messages on labels that a product for a particular age group was also suitable for another age group or that reference was made to a similar product for another age group”. However, due to time constraints, no further discussion took place on the intent of the proposed sentence in CCNFSDU40.</p>

	<p>The EU wishes to note that the term cross-promotion is not defined in Codex texts and it may therefore be subject to different interpretations at national level. In other literature, the term is broadly defined and often covers different concepts. By way of example, cross-promotion is referred to in the WHO Guidance on ending the inappropriate marketing practices of foods for infants and young children as follows: "Cross-promotion (also called brand crossover promotion or brand stretching) is a form of marketing promotion where customers of one product or service are targeted with promotion of a related product. This can include packaging, branding and labelling of a product to closely resemble that of another (brand extension). In this context, it can also refer to use of particular promotional activities for one product and/or promotion of that product in particular settings to promote another product".</p> <p>As a consequence, the interpretation of the term considered in CCNFSDU40 appears to differ from the definition used in the WHO Guidance document. In addition, it cannot be excluded that other definitions could be used.</p> <p>The EU is of the view that CCNFSDU should further clarify the intent of the sentence "Cross promotion between product categories is not permitted on the [label/labelling] of the product." and consider an alternative formulation without the use of the term "cross promotion". This new formulation would ensure that this sentence is interpreted and implemented in a consistent way by Codex members.</p>
	<p>Argentina</p> <p>Argentina considers that the term "cross-promotion" is not clear and could lead to different interpretations, so it should be discussed and defined beforehand to determine its scope and relevance in the text of the document.</p> <p>By introducing the term "labelling", the scope of this prohibition would be extended to advertising and marketing. However, in the General Committee meeting last November, the WHO representative clarified that the purpose of the section on "cross promotion" was to prevent messages on product labels for a certain age group from implying that they were also suitable for another age group or that reference was made to a similar product for another age group (REP 19 parr. 47).</p> <p>If the idea is to strengthen consumer protection, the new concept to be introduced is not clear, given what is already established in the items of section 9.6.2 for product labels.</p> <p>In Argentina the advertising and promotion of foods for infants and young children (up to two years old) is regulated. The product label</p>

	<p>must contain clear information and not confuse the consumer in relation to the product and target population. Resolution ANMAT 4980/2005, Código Alimentario Argentino (chapters V and XVII), Lactation Law 26873/13 and its Regulatory Decree 22/2015.</p>
<p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, (name of product) for young children, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them, Cross promotion between product categories is not permitted on the [label/labelling] of the product.</p>	<p>IDF/FIL IDF does not support inclusion of a broad prohibition on “cross-promotion” as this concept extends beyond the scope and mandate of Codex. “Cross promotion” is a very broad term that will be interpreted differently by countries, leading to inconsistent legal and regulatory approaches and unnecessary barriers to trade, and therefore goes against the Codex aim to facilitate international trade of safe foods through the use of harmonized norms. Furthermore, the draft Codex standard already requires products to be labelled in such a way to enable consumers to distinguish between infant formula and follow-up formula <i>Category : SUBSTANTIVE</i></p>
<p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, (name of product) for young children, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them, Cross promotion between product categories is. <u>The labelling of FUF for older infants [shall/should] not permitted on include a reference to a product for young children as it may mislead the [label/labelling] caregiver into thinking that these products are necessary to meet the nutritional requirements of the product/young child.</u> Or <u>The labelling of FUF for older infants shall not include a reference to a product for young children if it misleads the caregiver into thinking that these products are necessary to meet the nutritional requirements of the young child.</u></p>	<p>Canada <i>Category : SUBSTANTIVE</i></p>
<p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, (name of product) for young children, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them, Cross promotion between product categories is not permitted on the [label/labelling] of the product.</p>	<p>Canada Canada suggests alternative wording for the second sentence of 9.6.4 given that, as was discussed at CCFL45, a lack of a definition for “cross-promotion” makes it difficult to consider endorsement of the provision. Canada’s understanding of the intent behind the sentence is to avoid the promotion of products for young children on products for older infants. The reason for this is to avoid misleading the caregiver into thinking that the child must move to the product for young children when this product is not necessary to meet the child nutritional requirements. Canada recommends using the term “labelling” as opposed to “label” since “labelling” is broader and encompasses all printed and graphic material on the label as well as accompanying the food or displayed near the food as per the Codex definition.</p>

	<p>Codex definitions: “Label” means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food.</p> <p>“Labelling” includes any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal.</p> <p>Canada proposes, for the consideration of the committee, the following 2 options to replace the second sentence in 9.6.4: The labelling of FUF for older infants [shall/should] not include a reference to a product for young children as it may mislead the caregiver into thinking that these products are necessary to meet the nutritional requirements of the young child. Or The labelling of FUF for older infants shall not include a reference to a product for young children if it misleads the caregiver into thinking that these products are necessary to meet the nutritional requirements of the young child.</p>
	<p>Sri Lanka Sri Lanka supports the text as it stands and was agreed at the 2018 CCNFSDU meeting</p>
	<p>Switzerland For Switzerland, it is very important that the standard under revision maintain a clear new amendment, which does not allow the cross-promotion between the food categories infant formula and follow up formula. Currently, labelling of infant- and follow up formulas are extremely similar and therefore considered by the consumers as part of the same product category. Consequently, to protect adequately the breastfeeding time span, Switzerland supports that at least the cross promotion between infant- and follow up formula, should not be allowed. In this context, Switzerland refers to recommendation 5 of the WHO Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children: - There should be no cross-promotion to promote breast-milk substitutes indirectly via the promotion of foods for infants and young children. - The packaging design, labelling and materials used for the promotion of complementary foods must be different from those used for breast-milk substitutes so that they cannot be used in a way that also promotes breast-milk substitutes (for example,</p>

	<p>different colour schemes, designs, names, slogans and mascots other than company name and logo should be used).</p> <p>- Companies that market breast-milk substitutes should refrain from engaging in the direct or indirect promotion of their other food products for infants and young children by establishing relationships with parents and other caregivers (for example through baby clubs, social media groups, childcare classes and contests).</p> <p>For the upcoming session of CCNFSDU, Switzerland will propose an amended version of cross-promotion as mentioned in section 9.6.4., based on the WHO Recommendation 5.</p> <p><i>Category : SUBSTANTIVE</i></p>
<p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, (name of product) for young children, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them. Cross promotion between product categories is not permitted on the [label/labelling] of the product.</p>	<p>International Special Dietary Food Industries</p> <p>ISDI recalls the discussion at CCFL45 and continues to support delegations that favoured the deletion of the last sentence on “cross-promotion” in this paragraph. ISDI believes that restricting cross-promotion is not supported by the evidence, is outside Codex’ mandate and is inconsistent with countries’ international obligations. To achieve their purpose, labelling provisions must be based on science. It is important to have a clear distinction between the labelling of infant formula, follow-up formula for older infants and [name of the product] for young children, and formula for special medical purposes.</p> <p>ISDI supports draft Article 9.6.4 – with the exception of the last sentence on cross-promotion, where ISDI suggests its deletion for the following reasons:</p> <ul style="list-style-type: none"> • Our industry enables parents and caregivers to easily rely on the same family of products as the child grows. Expert use of text, images and colours fully supports the goal of providing distinctly labelled products, specifically to avoid the risk of consumer confusion between infant formula, Follow-up Formula, and Food for Special Medical Purposes (“FSMP”). Restricting cross-promotion may lead to consumer confusion in identifying safe, legitimate, nutritious products for young children. It could have the unintended consequence of depriving mothers and caregivers of the necessary information to make appropriate nutrition decisions for their young children. Governments noted similar concerns at the last CCFL45 meeting. • Restricting cross-promotion goes beyond the mandate of Codex. References to additional labelling provisions and marketing prohibitions go beyond the provisions of the Codex Procedural

Manual (1). In addition, the restriction differs significantly from the established provisions for food labelling in Codex Standards (2). There is no justification, neither scientific nor market based, for the substantial deviation from Codex norms in the labelling section. Governments noted similar concerns during a recent meeting of the Codex Committee on Food Labelling (“CCFL”) (3).

- The general principles (section 3) of the Codex General Standard for the labelling of prepackaged foods (Codex STAN 1-1985) already set rules that apply to all foods not to confuse consumers. Similar provisions exist for FOODS FOR SPECIAL DIETARY USES in (CODEX STAN 146-1985). It is permitted to add optional labelling elements providing they are not in conflict with the General principles.

One of the general principles states that “Prepackaged food shall not be described or presented on any label or in any labelling by words, pictorial or other devices which refer to or are suggestive either directly or indirectly, of any other product with which such food might be confused, or in such a manner as to lead the purchaser or consumer to suppose that the food is connected with such other product.” (4)

- There is insufficient scientific evidence that restricting promotion would contribute to promoting public health through increasing breast feeding rates of infants. A Parliamentary enquiry in Australia found that “[t]he reasons why women do not breastfeed for the recommended period are complex and multifaceted. They include consistency of advice, timing and quality of breastfeeding education, perceptions about infant formula, and the level of community support”. (5) In addition, a 2014 study conducted by Malaysia’s Ministry of Health found that “there was no retrievable evidence that evaluate the direct effect of promotingformula on breastfeeding practice”. (6) A literature review on Breastfeeding Rates & Pattern in the Malaysian Context further concluded that whilst “advertising was one of the factors reported, the evidence for the relationship between advertising and breastfeeding (BF) rates remains tenuous”. (7) Even more importantly, that literature review found that “[n]one of the studies related advertising of complementary food to breastfeeding rates”.

(8) The feeding of infants and young children is a complex and careful transformation from a milk centric towards the household / solid diet. Infant feeding choices are complex. In high income countries the feeding choice can be very personally motivated but

usually the socio- economic realities across all countries determine the feeding choice.

- Restrictions on cross-promotion are incompatible with the established rules for international trade and could result in trade impediments and infringe intellectual property rights. Such restrictions would be considered more trade restrictive than necessary to meet the legitimate objective of protecting human health and increase breastfeeding rates (contrary to Article 2.2 of the TBT Agreement); and the proposed restriction on the use of trademarks to prevent cross promotion, would amount to an unjustifiable encumbrance on trademarks by special requirements (contrary to Article 20 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS”)). Governments noted similar concerns at the last CCFL meeting. (9)
- The proposed restrictions may also lead to legal uncertainties, since the draft section is inconsistent in itself and establishes contradictory provisions. (10) Governments noted similar concerns during the last CCFL meeting. (11)
- The proposed restrictions do not provide sufficient clarity for regulatory enforcement, nor for industry compliance, as they include undefined terms such as “Cross Promotion”.

ISDI notes that the WHO technical guidance on “Ending the inappropriate marketing practices of foods for infants and young children” refers to cross promotion. (12) The technical guidance was welcomed with appreciation but not endorsed recommends to prohibit the promotion of breast-milk substitutes indirectly via the promotion of foods for infants and young children. (13) “The purpose of WHO documents and WHA resolutions is to help determine public health policies. These documents are recommendation and provide direction and guidance for governments in developing their own national public health policies in accordance with their national context.” (14) ISDI recalls that Follow-up formula for older infants has been defined as a Breast Milk Substitute at CCNFSDU40. Therefore, its promotion is already prohibited according to the WHO Code on Breast Milk Substitute.

Where and when necessary, the use of follow up formula for older infants is consistent with the aim of the WHO Code as it helps give older infants who are not breastfed an equal chance of survival, enabling them to grow and thrive. “Provision of safe and adequate

nutrition for infants, by protection and promotion of breast-feeding, and ensuring the proper use of breast-milk substitutes, when these are necessary, on the basis of adequate information and through appropriate marketing and distribution”. (15)

References:

- (1) Procedural Manual, 26th edition, Section II – Relations between commodity standards and general subject committees, p.49: Where commodity committees are of the opinion that the general provisions are not applicable to one or more commodity standards, they may request the responsible general subject committees to endorse deviations from the general provisions of the Codex Alimentarius. Such requests should be fully justified and supported by available scientific evidence and other relevant information. Sections on food [...]labelling [...] which contain specific provisions or provisions supplementing the General Standards, Codes or Guidelines shall be referred to the responsible general subject committees at the most suitable and earliest time in the Procedure for the Elaboration of Codex Standards and Related Texts, though such referral should not be allowed to delay the progress of the standard to the subsequent Steps of the Procedure.
- (2) General Standard for the Labelling of Prepackaged Foods (CX STAN 1-1985) ([link](#)) and General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses (CX STAN 146-1985).
- (3) Report of the Forty-Fifth Session of the Codex Committee on Food Labeling, 13-17 May 2019.
- (4) FAO, General principles of food labelling - <http://www.fao.org/ag/humannutrition/foodlabel/76333/en/>
- (5) The Parliament of the Commonwealth of Australia, House of Representatives, Standing Committee on Health and Ageing, “The Best Start: Report on the inquiry into the health benefits of breastfeeding,” 2017, p. 2.
- (6) Effect of Promoting Formula Milk for Toddler and Pregnant as well as Breastfeeding Mothers on the Breastfeeding Practice, Malaysia MOH, Health Technology Assessment Section, p. 4 (2014).
- (7) Literature Review on Breastfeeding Rates & Pattern in the Malaysian Context, Azmi Burhani Consulting for FIFEC, p. 40 (15 November 2014).
- (8) Id.
- (9) Report of the Forty-Fifth Session of the Codex Committee on Food Labeling, 13-17 May 2019.
- (10) An example is Section 9.6.2.3, which prohibits to “recommend

	<p>or promote bottle feeding.” on the other hand, Section 9.5.2 requests “adequate directions for the appropriate preparations and use of the product” for bottle feeding, with Section 9.5.3 requesting “clear graphic instructions illustrating the method of preparation of the product.”</p> <p>(11) Report of the Forty-Fifth Session of the Codex Committee on Food Labeling, 13-17 May 2019.</p> <p>(12) WHO Technical Guidance - http://apps.who.int/gb/ebwha/pdf_files/WHA69/A69_R9-en.pdf</p> <p>(13) CX/NFSDU 17/39/3 - http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-720-39%252Fnf39_03e.pdf</p> <p>(14) CX/NFSDU 17/39/4 52</p> <p>(15) WHO Code, 1981, Article 1- https://www.who.int/nutrition/publications/code_english.pdf</p>
<p>9.6.4 <u>Follow-up formula for older infants</u> Products shall be distinctly labelled in such a way as to avoid any risk of <u>consumer</u> confusion <u>between-with</u> infant formula, <u>follow-up formula for older infants</u>, (name of product) for young children, <u>and-or</u> formula for special medical <u>purposes</u> <u>purposes intended for infants</u>, in particular as to the text, images and colours used.</p> <p><u>NEW 9.6.5</u> The label of follow-up formula for older infants shall not refer to infant formula, [name of product] for young children, or formula for special medical purposes intended for infants, including text, statements, or images of these products.</p> <p><u>, to enable consumers to make a clear distinction between them, Cross promotion between product categories is not permitted on the [label/labelling] of the product.</u></p>	<p>Australia</p>
<p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, (name of product) for young children, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them. <u>Cross promotion between product categories is not permitted on the [label/labelling] of the product.</u></p>	<p>USA</p> <p>The United States generally supports the Additional Labelling Requirements in Section 9.6.4 and appreciates the recommendations from CCFL and the CAC for the additional discussion of the term “cross-promotion” at the Plenary. The United States does not support the use of the term “cross-promotion” in the proposed Standard.</p> <ul style="list-style-type: none"> • Without a Codex definition for “cross-promotion” there would be no clear understanding of the term’s intent within the Standard which would lead to different interpretations of the provisions in the Standard. • The scope of the term “cross-promotion” by the WHO, if applied within the proposed Codex Standard without an appropriate Codex definition, would raise legal and trade issues. <p>As an alternative to using the term “cross-promotion,” the United States notes that many of the concerns raised throughout the</p>

	<p>Committee meetings and eWG work regarding the inclusion of WHO recommendations from the International Code of Marketing of Breastmilk Substitutes and other WHA resolutions are largely resolved in the labelling sections of the proposed Standard. In addition, the efforts for Codex to establish separate standards creates distinct product categories for infant formula for 0-6 months, FUF-OI for 6-12 months, and [name of product] for young children for 12-36 months of age.</p> <ul style="list-style-type: none"> Specifically, the United States notes that unlike the current Follow-up Formula Standard, the proposed Standard identifies FUF-OI as a breastmilk substitute. Therefore, the requirements in the proposed Standard are subject to the prohibitions on the use of nutrition and health claims for breastmilk substitutes contained in? Comment A: The United States supports the first sentence under 9.6.4 and requests that a period be added after “between them” to end the sentence. Comment B: The United States supports the deletion of the sentence “Cross promotion between product categories is not permitted on the [label/labelling] of the product.” as suggested by CCFL. In conjunction with the other proposed draft provisions, the first sentence achieves the purpose of avoiding consumer confusion among product categories.
<p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between and with infant formula, follow-up formula for older infants, (name of product) for young children, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them, Cross promotion between product categories is</p> <p>9.6.5. [Labelling/Label] of follow-up formula for older infants should not permitted on promote or be promoted in the [label/labelling] of the product other products.</p>	<p>Brazil</p> <p>Regarding the section 9.6.4, Brazil considers that term “cross-promotion” could be excluded from the sentence, provided that the prohibition of the main practices of cross promotion are captured in the text of the standard, including:</p> <ul style="list-style-type: none"> - The use of label/labelling in any products similar to that of infant formulas, concept that is already covered in the initial part of item 9.6.4; - Promotion of other products in infant formula labels and, vice versa, promotion of infant formulas in labels of other products. <p>Regarding the use of sequential brandings, ie brands used in infant formulae and follow-on infant formulae should be distinct from brands used in products for young children, Brazil considers that this issue should be addressed when section B of the document, that deals with products targeting children from 1 to 3 years old, is discussed.</p> <p>Given that, Brazil suggests the removal of the term "cross-promotion" in section 9.6.4 and the inclusion of the section 9.6.5.</p>
	<p>Cambodia</p> <p>CAMBODIA supports the text as it stands and was agreed at the 2018 CCNFSDU meeting. The second sentence is not is square</p>

brackets and so should not be considered open for discussion. However, based on the request from CCFL for it to be given further consideration, CAMBODIA provides its comments. The CCNFSDU, has agreed that cross promotion is an issue and has the ability to negatively affect the health of older infants and has agreed to address this matter in the text of 9.6.4.

Cross promotion and its associated nomenclature - 'brand cross-over promotion', 'brand-stretching' or 'line extension' - is also a widely recognised marketing term and a widely established marketing strategy. (See www.parhamsantana.com/images/uploads/whitepapers/ParhamSantana_10_Ways_to_Extend_Your_Brand.pdf).

The term 'cross promotion' was officially defined in the WHO document 'A framework for implementing the set of recommendations on the marketing of foods and non-alcoholic beverages to children' that was endorsed by Resolution WHA 63.14, which reads 'ENDORSES the set of recommendations on the marketing of foods and non-alcoholic beverages to children.' The definition on page 51 of the document reads: 'Cross-promotion: A consumer sales promotion technique in which the manufacturer attempts to sell the consumer new or other products related to a product the consumer already uses or which the marketer has available'. (World Health Organisation. 2012. www.who.int/dietphysicalactivity/MarketingFramework2012.pdf).

The research on cross-promotion and continued monitoring of the literature gives a clear message: Cross-promotion can confuse caregivers about the products. The properties described for one product are understood to apply to other products. This could result in the inappropriate use of some products. Furthermore, cross-promotion serves to promote infant formula. Research shows that advertisements for follow-on milks and growing up milks are generally perceived by mothers as promoting infant formula and the three categories of products for children from birth to 36 months (infant formula, follow-up formula and growing-up milk) are seen collectively as 'formula'. This perception is largely attributed to the marketing practice of 'line extension' and a focus on 'brand advertising', resulting in infant formulas, follow-on formulas and growing up milks appearing similar or the same to consumers. They are not similar.

The draft Codex Standard for follow-up formula composition requires fewer mandatory nutrients for the product for 12-36 months than for infant formula or for follow-up formula for 6-12 months. Thus, these products should in no way be labelled as being similar. While they all function as breastmilk substitutes, their composition is

	<p>not similar, and products should not be confused or inappropriately used by caregivers.</p> <p>The current text as proposed should remain and the definition endorsed by WHA 63.14 could be included as a footnote in 9.6.4 where it is referred to in the text.</p> <p>With regards to the text in square brackets [label/labelling], CAMBODIA supports the term labelling. Based on the research regarding cross promotion, it is clear the term 'labelling' should be used in the text, as cross promotion practices extend, and are specifically designed by the manufacturers to extend, beyond the label.</p> <p>The evidence shows that this wider cross promotion confuses caregivers and puts older infants and young children at risk of receiving an inappropriate product. Cross promotion practices wherever they occur must be prohibited and this is only achieved if the term 'labelling' is used.</p> <p>The use of this term is well within the mandate of Codex and is defined in the General Standard for the labelling of prepackaged foods.</p>
	<p>New Zealand</p> <p>With regards to 9.6.4, New Zealand supports the adoption of the first sentence and agrees with the CCFL recommendation to further consider the last sentence on cross promotion by CCNFSDU.</p> <p>With regards to cross promotion, New Zealand acknowledges this is a complex concept. There are a number of options that could be proposed, all different in their interpretation and application as to what they might mean or extend to.</p> <p>At this stage we do not think that CCNFSDU has a common understanding on what is trying to be achieved through this draft provision, and discussions should therefore be focused on reaching agreement on this before we can propose preferred wording, or take a decision on the need for, and application of this provision.</p> <p>As drafted, the intent of the current provision is open to differing views and applications. Consequently, we have some concerns about whether the provision (unless carefully modified) will have unintended consequences beyond safeguarding and promoting the health of older infants (as well as infants and young children). New Zealand would not want a provision that could be misinterpreted to restrict the communication of information relating to nutritionally appropriate complementary feeding, or general purpose family foods as per national dietary guidelines.</p> <p>From the New Zealand point of view, we understand the intent of the cross promotion provision to mean prohibiting the ability to use</p>

	<p>the label of follow-up formula for older infants to refer to other products in the product range. In this context it would include images of products, or any text or statement that refer to infant formula, formula for special medical purposes intended for infants, or [name of product] for young children, on the label of follow-up formula for older infants.</p> <p>Further, New Zealand does not support the use of terms that are not defined in Codex, or the inclusion of the term 'cross promotion', or 'promote/promotion' due to differences in interpretation as to what they mean or extend to. We support a provision and any proposed text that is limited to what is, or is not, permitted on the 'label' (and not referring to 'labelling') to align with the other provisions within Section 9.6 of the draft Standard.</p> <p>Our preferred wording is therefore:</p> <ul style="list-style-type: none"> • The label of follow-up formula for older infants shall not refer to infant formula, formula for special medical purposes intended for infants, or [name of product] for young children, including text, statements, or images of these products. <p>Whilst New Zealand is supportive of the intent of limiting the ability to use the label of follow-up formula for older infants to refer to another product in the product range, we are also open to deletion of the 'cross promotion' sentence should this approach be the preferred option of the Committee.</p>
	<p>Nepal</p> <p>Nepal thanks CCFL to endorse the first sentence. Regarding second sentence, Nepal support the text as it stands, since Nepal believes that cross promotion has been and will be creating confusion to the caregivers as there are range of such products for different age groups that might promote the infant formula and/ or follow up formula for older infants.</p> <p>Furthermore, in the second sentence, Nepal strongly supports using the word labelling as it encompasses all aspects of marketing. Codex standard defines labelling as "any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal" (CODEX STAN 1-1985). Therefore, Nepal believes that in order to promote breastfeeding, all aspects of cross promotion should be prohibited, and hence the term "labelling" be used instead of "label".</p>
<p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, (name of product) for young children, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them, Cross promotion between,</p>	<p>Indonesia</p> <p>Indonesia proposes to modify last sentence in sub section 9.6.4 as follows</p>

<p>Other product categories is (products other than breastmilk substitute) should not permitted cross-promote follow-up formula for older infants on the [label/labelling] of the product.</p>	
	<p>HKI</p> <p>Helen Keller International supports the text as it stands and was agreed at the 2018 CCNFSDU meeting. The second sentence is not in square brackets and so should not be considered open for discussion. However, based on the request from CCFL for it to be given further consideration, HKI provides its comments. The CCNFSDU has agreed that cross promotion is an issue and has the ability to negatively affect the health of older infants and has agreed to address this matter in the text of 9.6.4. This decision is supported by the existing evidence (HKI is willing to share extensive documentation of this evidence) on the practice of cross promotion in this category of products.</p> <p>Cross promotion and its associated nomenclature - 'brand cross-over promotion', 'brand-stretching' or 'line extension' - is also a widely recognised marketing term and a widely established marketing strategy. (See www.parhamsantana.com/images/uploads/whitepapers/ParhamSantana_10_Ways_to_Extend_Your_Brand.pdf).</p> <p>The term 'cross promotion' was officially defined in the WHO document 'A framework for implementing the set of recommendations on the marketing of foods and non-alcoholic beverages to children' that was endorsed by Resolution WHA 63.14, which reads 'ENDORSES the set of recommendations on the marketing of foods and non-alcoholic beverages to children.' The definition on page 51 of the document reads: 'Cross-promotion: A consumer sales promotion technique in which the manufacturer attempts to sell the consumer new or other products related to a product the consumer already uses or which the marketer has available'. (World Health Organisation. 2012. www.who.int/dietphysicalactivity/MarketingFramework2012.pdf).</p> <p>The research on cross-promotion and continued monitoring of the literature gives a clear message: Cross-promotion can confuse caregivers about the products. The properties described for one product are understood to apply to other products. This could result in the inappropriate use of some products. Furthermore, cross-promotion serves to promote infant formula. Research shows that advertisements for follow-on milks and growing up milks are generally perceived by mothers as promoting infant formula and the three categories of products for children from birth to 36 months (infant formula, follow-up formula and growing-up milk) are seen collectively as 'formula'. This perception is largely attributed to the marketing practice of 'line extension' and a focus on 'brand</p>

	<p>advertising', resulting in infant formulas, follow-on formulas and growing up milks appearing similar or the same to consumers. They are not similar.</p> <p>The draft Codex Standard for follow-up formula composition requires fewer mandatory nutrients for the product for 12-36 months than for infant formula or for follow-up formula for 6-12 months. Thus, these products should in no way be labelled as being similar. While they all function as breastmilk substitutes, their composition is not similar, and products should not be confused or inappropriately used by caregivers.</p> <p>The current text as proposed should remain and the definition endorsed by WHA 63.14 could be included as a footnote in 9.6.4 where it is referred to in the text.</p> <p>With regards to the text in square brackets [label/labelling], HKI supports the term labelling. Based on the research regarding cross promotion, it is clear the term 'labelling' should be used in the text, as cross promotion practices extend, and are specifically designed by the manufacturers to extend, beyond the label.</p> <p>The evidence shows that this wider cross promotion confuses caregivers and puts older infants and young children at risk of receiving an inappropriate product. Cross promotion practices wherever they occur must be prohibited and this is only achieved if the term 'labelling' is used.</p> <p>The use of this term is well within the mandate of Codex and is defined in the General Standard for the labelling of pre-packaged foods.</p>
<p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, (name of product) for young children, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them, Cross promotion between product categories is not permitted on the [label/labelling] of the product.</p> <p>9.6.5 Follow-up formula for older infants, functions as a breast milk substitute, and must be marketed in accordance with the WHO Guidance on Ending Inappropriate Promotions of Foods for Infants and Young Children (2016).</p>	<p>Kuwait</p>
<p>9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, (name of product) for young children, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them, Cross promotion between product categories that implies a continuum of use is not permitted on the [label/labelling] of the product.</p>	<p>Kuwait</p>